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LINIAK, BERENATO & WHITE
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Bethesda, MD 20817

EXAMINER

STULTZ, JESSICA T

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,336

Applicant(s)

HUSSAINI ET AL.

Examiner

Jessica T Stultz

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The specification is objected to as failing to comply with 37 CFR 1.84(p)(5) because the drawings include the following reference character(s) not mentioned in the description: “37” and “116”. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the specification will not be held in abeyance.

Claim Objections

Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Specifically claim 16 depends from claim 17, which is not a previous claim. It is assumed that the claim read, “The magnifier according to claim 15, wherein”, this being the assumed meaning for purposes of examination.

Claims 14 and 18 are objected to because of the following informalities: in claim 14, “parallel and co planar” should be “parallel and co-planar”; “position substantially orthogonally” should be “position substantially orthogonal”; and “said base ember” should be “said base

member"; "magnifier portion said intermediate" should be "magnifier portion, said intermediate"; in claim 18, "parallel thereto to a second" should be "parallel thereto, to a second". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-15 and 17-18 is rejected under 35 U.S.C. 102(b) as being anticipated by Goff et al.

Regarding claim 14, Goff et al discloses a magnifier device for use with a video device (Column 5, lines 33-56, wherein the magnifier is attached to an apparatus used to display visual images), the magnifier comprising: a substantially planar base member (Column 10, lines 1-60, wherein the planar base member is vertical structural unit "16", Figure 2); a magnifier portion connected to and rotatable relative to the base member (Column 8, line 59-Column 9, line 7, and Column 10, line 1-60, wherein the magnifier portion is "14" which rotates relative to the unit "16", Figure 2), wherein said magnifier portion is rotatable between a first position parallel and co-planar with the base member to a second position substantially orthogonal to the base member (Column 10, lines 1-60, wherein the magnifier portion "14" is parallel to the base member as shown in Figure 2 and is rotated by adjusting means "42" and knob "43" to a position orthogonal to the base, Figure 2); and an intermediate spacer member disposed between the base member and the magnifier portion (Column 10, lines 1-60, wherein the intermediate spacer member is

Art Unit: 2873

extension beam “28” and unit “30”, Figure 2), the intermediate spacer member including a vertical adjustment mechanism to allow selective vertical spatial positioning of the magnifier portion relative to the base member (Column 10, lines 1-60, wherein the intermediate spacer member is extension beam “28” and unit “30” which move the magnifier “14” vertically relative to the base “16”, shown by arrow “36” by vertical adjusting means “41” and tension knob “42”, Figure 2).

That part of the claim stating, “with a portable video device”, goes to the intended use of the magnifier device. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Furthermore, this phrase is set forth in the preamble and has not been given patentable weight.

Regarding claim 15, Goff et al further discloses that the adjustment mechanism includes a tab formed on the magnifier portion (Column 11, line 54-Column 12, line 12, wherein the section of the adjustment mechanism connected to the magnifier portion, i.e. upper wall “110” and lower wall “108” contains stops “94” and “96”, Figure 5) and slidably disposed within a recessed channel formed in the intermediate spacer member (Column 11, line 54-Column 12, line 12, wherein the channel bar “92” of spacer member “30” moves within the upper wall “110” and lower wall “108”, Figure 5); and a plurality of stops to maintain the magnifier in one of a plurality of relative vertical positions relative to the intermediate and base members (Column 11, line 54-Column 12, line 12, wherein the channel bar “92” has a plurality of stops to allow the bar to move axially between the stops “94” and “96”, Figure 5).

Regarding claim 17, Goff et al discloses a magnifier device for use with a video device (Column 5, lines 33-56, wherein the magnifier is attached to an apparatus used to display visual images), the magnifier comprising: a substantially rectangular planar base member (Column 7, line 17-Column 9, line 7, wherein the rectangular base member is "16", Figure 1); a substantially rectangular planar magnifier portion (Column 7, line 17-Column 9, line 7, and Column 10, lines 1-60, wherein the rectangular magnifier portion is "14", Figure 1); and a pair of spaced apart linking arms each disposed between and rotatably connected to the base member and the magnifier portion thereby permitting compound movement between the base member and the magnifier (Column 7, line 17-Column 9, line 7 and Column 10, lines 1-60, wherein the spaced apart linking arms are "33" and "35", Figure 1 or "28" and "30", Figure 2).

That part of the claim stating, "with a portable video device", goes to the intended use of the magnifier device. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Furthermore, this phrase is set forth in the preamble and has not been given patentable weight.

Regarding claim 18, Goff et al further discloses that the magnifier portion is rotatable between a first position disposed on a first side of the base member and parallel thereto, to a second position substantially orthogonal to the base member (Column 10, lines 1-60, wherein the magnifier portion "14" is parallel to the base member as shown in Figure 2 and is rotated by adjusting means "42" and knob "43" to a position orthogonal to the base, Figure 2) and to a third position disposed on a second opposite side of the base member and parallel thereto (Column 10,

Art Unit: 2873

lines 1-60, wherein the adjusting means "42" moves the lens forward or backward, with respect to the screen, and therefore base "16", Figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goff et al in view of Gold.

Regarding claim 1, Goff et al discloses a magnifier device in combination with a video device (Column 5, lines 33-56, wherein the magnifier is attached to an apparatus used to display visual images): the video display device having a main housing (Column 5, lines 33-56, wherein the main housing is the housing of the monitor "9", Figure 2), the magnifier including a base member connected to the main housing (Column 10, lines 1-60, wherein the base member is vertical structural unit "16" connected to monitor "9", Figure 2); and a magnifier portion connected to and rotatable relative to the base member (Column 8, line 59-Column 9, line 7, and Column 10, line 1-60, wherein the magnifier portion is "14" which rotates relative to the unit "16", Figure 2), wherein the magnifier portion is rotatable between a first position disposed adjacent with a display window to magnify a display and a stored position compactly arranged adjacent the display device when the display is in a stored position (Column 10, lines 1-60, wherein the magnifier portion "14" is adjacent to the display as shown in Figure 2 and is rotated by adjusting means "42" and knob "43" to a stored position, Figure 2), but does not specifically

disclose that the video display device has a flip up display member having a display window, wherein the flip up display is rotatable connected to the main housing between a first stored position wherein the display is positioned substantially adjacent to the main housing and a second position upright relative to the main housing to expose the display window to a user. Gold teaches of a magnifier device attached to a display device wherein the display device has a flip up display member having a display window (Section 126, wherein the magnifier assembly "77" is attached to the main housing "58" and magnifies the display screen "70", Figures 7a-c), wherein the flip up display is rotatable connected to the main housing between a first stored position wherein the display is positioned substantially adjacent to the main housing and a second position upright relative to the main housing (Sections 28-29, 121-126, wherein the flip up display is rotatable between a closed position and an upright position, Figures 5a-k, 6a-k, and 7a-c) to expose the display window to a user (Sections 126) for the purpose of suspending the magnifying lens in a manner to magnify the screen of an electronic handheld device (Section 126). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the magnifier device of Goff et al to be connected to a video display device having a flip up display member having a display window, wherein the flip up display is rotatable connected to the main housing between a first stored position wherein the display is positioned substantially adjacent to the main housing and a second position upright relative to the main housing to expose the display window to a user since Gold teaches of a magnifier device attached to a display device wherein the display device has a flip up display member having a display window, wherein the flip up display is rotatable connected to the main housing between a first stored position wherein the display is positioned substantially adjacent to the main housing

and a second position upright relative to the main housing to expose the display window to a user for the purpose of suspending the magnifying lens in a manner to magnify the screen of an electronic handheld device.

That part of the claim stating, “with a portable video device”, goes to the intended use of the magnifier device. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Furthermore, this phrase is set forth in the preamble and has not been given patentable weight.

Regarding claim 2, Goff et al and Gold disclose and teach of a magnifier device and video display as disclosed above and Goff et al further discloses the magnifier having a pair of spaced apart linking arms each disposed between and rotatable connected to the base member and the magnifier portion thereby permitting compound movement between the base member and the magnifier (Column 7, line 17-Column 9, line 7 and Column 10, lines 1-60, wherein the spaced apart linking arms are “33” and “35”, Figure 1 or “28” and “30”, Figure 2).

Regarding claims 5-6, Goff et al and Gold disclose and teach of a magnifier device and video display as disclosed above and Goff et al further discloses the magnifier having an intermediate spacer member disposed between the base member and the magnifier portion to maintain the magnifier portion spaced apart from the base member (Column 10, lines 1-60, wherein the intermediate spacer member is extension beam “28” and unit “30”, Figure 2), the intermediate spacer member including a vertical adjustment mechanism to allow selective vertical spatial positioning of the magnifier portion relative to the base member (Column 10,

lines 1-60, wherein the intermediate spacer member is extension beam "28" and unit "30" which move the magnifier "14" vertically relative to the base "16", shown by arrow "36" by vertical adjusting means "41" and tension knob "42", Figure 2).

Regarding claims 7-8, Goff et al and Gold disclose and teach of a magnifier device and video display as disclosed above and Goff et al further discloses the adjustment mechanism having a tab formed on the magnifier portion (Column 11, line 54-Column 12, line 12, wherein the section of the adjustment mechanism connected to the magnifier portion, i.e. upper wall "110" and lower wall "108" contains stops "94" and "96", Figure 5) and slidably disposed within a recessed channel formed in the intermediate spacer member (Column 11, line 54-Column 12, line 12, wherein the channel bar "92" of spacer member "30" moves within the upper wall "110" and lower wall "108", Figure 5); and a plurality of stops to maintain the magnifier in one of a plurality of relative vertical positions relative to the intermediate and base members, wherein the stops include at least one detent formed in the tab engaging one of a plurality of recesses formed in an inner wall surface of the channel (Column 11, line 54-Column 12, line 12, wherein the channel bar "92" has a plurality of stops, i.e. detents to allow the bar to move axially between the stops "94" and "96", Figure 5).

Claims 3-4 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goff et al in view of Gold and further in view of Tortola et al.

Regarding claim 3-4 and 9, Goff et al and Gold disclose and teach of a magnifier device as shown above, but do not specifically disclose a cover member rotatably connected to the magnifier, wherein the cover member is rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier. Tortola

et al teaches of a magnifier device for a video display wherein a cover member rotatably connected to the magnifier (Column 6, lines 6-58, wherein the cover "20" is connected to magnifying lens "28", Figures 1 and 15), wherein the cover member is rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier (Column 6, lines 6-58, wherein the cover "20" is rotatable from a non-use stored position and an in-use position, Figures 1, 6-8, and 15) for the purpose of providing protection for the magnifier lens when the device is in a compact stored position (Column 3, line 60-Column 4, line 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the magnifier device of Goff et al and Iaquinto et al to further include cover member rotatably connected to the magnifier, wherein the cover member is rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier since Tortola et al teaches of a magnifier device for a video display wherein a cover member rotatably connected to the magnifier, wherein the cover member is rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier for the purpose of providing protection for the magnifier lens when the device is in a compact stored position.

Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goff et al in view of Gold and further in view of Iaquinto et al.

Regarding claims 10-13, Goff et al and Gold disclose and teach of a magnifier device and video display as shown above, but do not specifically disclose that the base member includes opposed side rails to engage opposing side of the portable video device, the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a

Art Unit: 2873

snap fit connection therebetween. Iaquinto et al teaches of a magnifier device for a video display (Column 4, line 66-Column 5, line 55, wherein the magnifier is lens "24", Figure 1) including a base member with opposed side rails to engage opposing side of the portable video device (Column 5, line 56-Column 6, line 8, wherein the legs "30" and "32" have ridges "38" and "42", Figures 4 and 6), the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween (Column 5, line 56-Column 6, line 8, wherein the ridges "38" and "42" snap into the groove "18" of the video display, Figure 1) for the purpose of retaining the support in a generally upright, perpendicular position from the plane of video device and so that the support is easily releasable from the device to be stored in a compact position (Column 5, line 56-Column 6, line 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the magnifier device of Goff et al and Gold to further include a base member which includes opposed side rails to engage opposing side of the portable video device, the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween since Iaquinto et al teaches of a magnifier device for a video display including a base member with opposed side rails to engage opposing side of the portable video device, the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween for the purpose of retaining the support in a generally upright, perpendicular position from the plane of video device and so that the support is easily releasable from the device to be stored in a compact position.

Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goff et al in view of Iaquinto et al.

Regarding claims 16 and 19, Goff et al discloses a magnifier device as shown above, but does not specifically disclose that the base member includes opposed side rails to engage opposing side of the portable video device, the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween. Iaquinto et al teaches of a magnifier device for a video display (Column 4, line 66-Column 5, line 55, wherein the magnifier is lens "24", Figure 1) including a base member with opposed side rails to engage opposing side of the portable video device (Column 5, line 56-Column 6, line 8, wherein the legs "30" and "32" have ridges "38" and "42", Figures 4 and 6), the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween (Column 5, line 56-Column 6, line 8, wherein the ridges "38" and "42" snap into the groove "18" of the video display, Figure 1) for the purpose of retaining the support in a generally upright, perpendicular position from the plane of video device and so that the support is easily releasable from the device to be stored in a compact position (Column 5, line 56-Column 6, line 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the magnifier device of Goff et al to further include a base member which includes opposed side rails to engage opposing side of the portable video device, the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween since Iaquinto et al teaches of a magnifier device for a video display including a base member with opposed side rails to engage opposing side of the portable video device, the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween for the purpose of retaining the support in a generally upright, perpendicular position from the plane

of video device and so that the support is easily releasable from the device to be stored in a compact position.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goff et al in view of Iaquinto et al and further in view of Tortola et al.

Regarding claim 20, Goff et al and Iaquinto et al disclose and teach of a magnifier device as shown above, but do not specifically disclose a cover member rotatably connected to the magnifier, wherein the cover member is rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier. Tortola et al teaches of a magnifier device for a video display wherein a cover member rotatably connected to the magnifier (Column 6, lines 6-58, wherein the cover "20" is connected to magnifying lens "28", Figures 1 and 15), wherein the cover member is rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier (Column 6, lines 6-58, wherein the cover "20" is rotatable from a non-use stored position and an in-use position, Figures 1, 6-8, and 15) for the purpose of providing protection for the magnifier lens when the device is in a compact stored position (Column 3, line 60-Column 4, line 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the magnifier device of Goff et al and Iaquinto et al to further include cover member rotatably connected to the magnifier, wherein the cover member is rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier since Tortola et al teaches of a magnifier device for a video display wherein a cover member rotatably connected to the magnifier, wherein the cover member is rotatable between a first position exposing the magnifier to a permit

Art Unit: 2873

viewing therethrough by a user and a second position covering the magnifier for the purpose of providing protection for the magnifier lens when the device is in a compact stored position.


Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sakurai, Budde, and Rockwell are cited as having some similar structure to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessu 
Jessica Stultz
Patent Examiner
AU 2873
July 19, 2004


JORDAN SCHWARTZ
PRIMARY EXAMINER